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however, when irreparable injury is threatened. *Santee River, etc., Co. v. James*, 50 Fed. 360. Once the right at law is proved, irreparable injury is not essential to entitle a plaintiff to permanent relief. *D., L. & W. R. R. Co. v. Breckenridge*, 57 N. J. Eq. 154. Further, even without proof of irreparable injury, relief has been given when the plaintiff showed merely a strong *prima facie* title. *McArthur v. Matthewson*, 67 Ga. 134. But the wisdom of making the injunction perpetual when the title is honestly contested and falls short of being absolutely proved is doubtful. In effect the court has held that, since the defendant probably has no title, it is proper to treat him as having none whatsoever — a limitation on his legal rights not warranted by the merits or by any overbalancing requirement of expediency. To grant a perpetual injunction, however, is not unsupported where there has been long possession. See *Sanderlin v. Baxter*, 76 Va. 259.

JUDGMENTS — FOREIGN JUDGMENTS — EQUITABLE DECREE AS A CAUSE OF ACTION IN ANOTHER STATE. — In an action to quiet title the plaintiff relied on a foreign decree, rendered in divorce proceedings, which ordered the defendant to convey the land to the plaintiff. The plaintiff contends that the decree is conclusive of the rights of the parties, and that a deed to the second defendant, who had notice of the decree, was fraudulent and conveyed no title. *Held*, that the plaintiff has neither legal nor equitable title to the land, since the foreign court had no jurisdiction over the subject-matter. *Fall v. Fall*, 113 N. W. 175 (Neb.). See NOTES, p. 210.

MUNICIPAL CORPORATIONS — FRANCHISES AND LICENSES — PERMIT TO PRIVATE PERSONS TO OPERATE A SPUR TRACK. — The defendants, proprietors of a department store, obtained from the Board of Estimate and Apportionment of the city of New York a permit to construct a spur track from the adjoining street railway into their basement, and to run express cars over it during the night for the conveyance of goods. The plaintiff, an adjoining property owner, sought an injunction restraining the taking of any steps under such permit. *Held*, that the Board has no power to grant such a permit, and that the plaintiff is entitled to an injunction. *Hatfield v. Straus*, 189 N. Y. 208.

The courts are very strict in forbidding rights in city streets for any but public uses. *Gustafson v. Hamm*, 56 Minn. 334. The operation of a short spur track differs only in degree from the operation of a street railway of some length, and such railways, unless operated for public service, have been almost universally condemned by the courts as public nuisances. *Fanning v. Osborne*, 102 N. Y. 441; *contra*, *Truesdale v. Grape Sugar Co.*, 101 Ill. 561. And it would seem that the general interests of the city would not be sufficiently furthered to justify such permits on the ground of public policy. See *People v. B. & O. R. R. Co.*, 117 N. Y. 150. If the permit should be granted to the street railway company, it might be said that the right was secured solely for the benefit of the shipper and was an evasion to secure a private right. *Commonwealth v. City of Frankfort*, 92 Ky. 149. On the other hand, it has been argued that such a track was a necessary incident to the carriage of freight, and that not until another shipper was refused a similar connection with the main track could it be said that such a track was a private privilege. *P. C., etc., Ry. Co. v. City of Cincinnati*, 16 W'ly L. Bul. (Oh.) 367.

PARTNERSHIP — NATURE OF PARTNERSHIP — SITUS OF DECEASED PARTNER'S INTEREST. — Two partners residing in England carried on the business of sheep farming in New South Wales. On the death of one partner his share in the business was assessed for probate duty in New South Wales as an asset situated there. *Held*, that the assessment is valid. *Commissioner of Stamp Duties v. Salting*, [1907] A. C. 449.

On the death of a partner his representatives have merely a right of action for his interest in any surplus that may remain after an accounting and an adjustment of the partnership affairs. By the common law view this right of action is against the surviving partner, who has the title to all the firm assets. *Case v. Abeel*, 1 Paige (N. Y.) 393; see 14 HARV. L. REV. 145. By this view